Before the Federal Communications Commission

Washington DC 20554

In the Matter of	)
Modernizing the E-Rate Program for Schools and Libraries	) WC Docket No. 13-184
	)
Notice of Proposed Rulemaking	)
	)

Comments of the National Association of Secondary School Principals

I.   Introduction

The National Association of Secondary School Principals, representing 22,000 middle level and high school principals, assistant principals, and other school leaders, is pleased to provide comments on the Commission's most recent Notice of Proposed Rulemaking (Notice)[1], which we hope will chart the path for the E-Rate's future. The promise of technology in classrooms and schools is boundless. It can increase equity and access to educational opportunities for all students and enhance the impact and reach of great teaching. Technology can help reshape how education is delivered, making learning more personalized for each student and recognizing teachers as education designers. It can lower costs and increase efficiency and productivity. Our schools should prepare students for the world of tomorrow with the best tools of today. Schools should use real-world technology that allows students to grapple with real-world problems—so they can compete in a globally competitive economy. But most schools are behind the technology curve, lacking the resources, infrastructure, hardware, software, and human capacity needed to prepare students with 21st-century technology skills. And even when the schools have the right technological tools, the teachers and students they won't make use of those tools if they can't rely on the connectivity of their broadband network..

As a member of the Education and Libraries Networks Coalition (EdLiNC), NASSP supports the coalition's mission to promote and improve E-Rate to fulfill the program's mission of

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[1] *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket 13-84, Notice of Proposed Rulemaking (2013) (*Notice).*

accelerating the deployment of advanced telecommunications and information services in schools and libraries. While we have also signed on to the formal comments submitted by EdLiNC, NASSP would like to address issues of utmost importance to secondary school leaders and make the following key points:

1. NASSP Believes that the E-Rate Program is Extremely Successful;
2. NASSP Believes that the E-Rate's Funding is Inadequate to Meet Current and Future Demand and Urges an Increase to at least $5 Billion Annually; and
3. NASSP Supports Streamlining the Application Process and Making the Program More Efficient

1. NASSP Believes that the E-Rate Program is Extremely Successful

Since its inception in 1998, the E-Rate has worked with great success to ensure that students and educators are connected to the Internet and have access to online communications services and informational resources no matter where they live or their socioeconomic status. Today, thanks to E-Rate's support and as the Notice itself makes clear, nearly every classroom has basic Internet connectivity and stories abound as to its widespread positive effects on fostering online and digital education, developing critical learning and technical skills, improving access to governmental programs and services, assisting in employment services, and facilitating communications and collaborations between parents, students, teachers, and community members. By many measures, E-Rate is a monumental success story.

Before we look towards the future, it is important to understand how and why E-Rate has meant so much to schools and libraries across the country and the role it has played in opening the door to digital learning. One of the central reasons for the E-Rate's success is that the program is locally driven and allows applicants to choose services and technologies that make the best sense for their needs and budgets. Each applicant has been able to examine their needs, formulate a technology strategy, and leverage E-Rate funding to implement their digital learning vision. E-Rate has been transformative for many schools around the country—including high-poverty schools—by assisting them in creating updated, robust networks that can support a wide array of digital devices, tools, and learning models.

In Arlington County Public Schools (VA), E-Rate funds have been used to support school infrastructure which includes cabling for computers, wireless Internet, mobile devices, and telecommunications. Over the past two years, the federal support has allowed Kenmore Middle School to provide any family in need in need with a laptop at no cost. E-Rate funds also helped to provide the infrastructure that allows these families to have wireless Internet access after school at any Arlington Public School facility, including their libraries and recreation centers. Kenmore principal John Word is hopeful that E-Rate funds will help prepare the schools to support an expected 1:1 initiative in the coming years and the growing numbers of faculty and students bringing their own devices on the campus.

Patapsco High School and Center for the Arts, an urban, high-needs school in Baltimore, MD, that served 1,444 students in the 2011–12 school year, 91% of whom were eligible for free and reduced price lunches, is an excellent example. Back in 2009, the school's building was 50 years

old and despite contending with cuts in funding and a reduction in staff members, former Principal Ryan Imbriale led an aggressive plan to outfit the building with a robust wireless infrastructure, equip classrooms with the latest technology, implement an open policy for mobile devices, create a sustained plan for the use of social media for communication and learning, and provide high-quality professional development for the entire staff. While Patapsco does not apply directly for E-Rate funds, it benefits from its district's applications for E-Rate support. According to Mr. Imbriale:

> Baltimore County Public Schools uses E-Rate as a systemic approach to lower telecommunications costs across the entire system. The reduced cost for bandwidth makes a huge difference system-wide for us as we are making this instructional digital conversion. To have a full digital curriculum platform that all teachers, students, and administrators access with reliability constantly each day requires an extremely high level of bandwidth. Therefore E-Rate funding is essential.

Patapsco has leveraged their E-Rate supported connectivity to launch innovative programs such as a fully blended learning curriculum pilot in science as part of a collaborative effort between the school, the district, and a local community college. Imbriale also worked with Patapsco alumni to start a student app club. In the last four years, Patapsco has gone from barely registering to ahead of the curve in technology, earning notice from both US News & World Report and the Washington Post as one of the top high schools in the United States and from the College Board as one of the nation's top arts integration schools.

Imbriale, who left Patapsco in July to become Baltimore County's executive director of digital learning, is now in charge of the district's five-year instructional digital conversion. The five-year program, once completed, will result in a one-to-one platform for all 107,000 students in the district. It is essential, Imbriale has said, to ensure that *all* students have quick and consistent access to the Web, either through partnerships with the county library or low-cost programs with Internet service providers. Although it seems as if every student is carrying a smart phone or owns an iPad, the fact is that not every student can afford one.

According to John Osgood, Principal at CL Jones Middle School in Minden, NE, E-Rate is extremely important to assist schools in providing a digital learning environment for each student. His district saves $20,000 a year in phone and Internet service costs because of E-Rate, which has allowed them to purchase 80 iPads. While $20,000 may not seem like a huge investment, the fact that those district funds have been freed up for the purchase of devices and other services or programs is extremely beneficial.

2. **NASSP Believes that the E-Rate's Funding is Inadequate to Meet Current and Future Demand and Urges an Increase to at least $5 Billion Annually**

Paragraphs 172–176 of the Notice raise the issue of E-Rate funding and ask whether the Commission should look to reprioritize current funds, authorize a temporary increase to the E-Rate cap, or authorize a permanent cap raise.[2]

NASSP submits that though the E-Rate has been incredibly successful, its job is far from finished. The basic connectivity that E-Rate helped establish within America's schools and is no longer enough to support the exploding demand for more bandwidth and higher connectivity speeds that is being driven by the development and rapid expansion of new online tools and services, digital libraries, the rise of online assessments and digital textbooks, and the proliferation of mobile wireless devices. For NASSP, it is apparent that the current program cap is wholly insufficient to meet current applicant demand, which has been more than double available funding in the past two years, let alone anticipated future need. Indeed, it has become even more obvious, based on polls and projections, that actual demand is repressed because most applicants no longer bother to apply for the dwindling Priority 2 support now available.

Therefore, we argue that the E-Rate's annual spending cap, set back in 1998 before mobile wireless computing devices even existed, merits a significant increase. At a minimum, we believe that increase should at least meet current application demand levels, which have hovered at or about $5 billion over the past two years. We also believe that any increase in the current cap should be made permanent, providing applicants certainty that appropriate levels of funding will be available to them for the program's next fifteen years. Without an increase in the program's annual cap, NASSP believes that the program's ability to support existing and new services will be severely curtailed in the next few years, including drastic cuts to heretofore sacrosanct and essential basic services in Priority 1. If this comes to pass, the program will be unable to provide schools with the advanced telecommunications and information services they need to provide students with the skills necessary to compete in the 21st century.

a. E-Rate's Mission is Neither Antiquated Nor Complete

Despite all that the E-Rate program has accomplished, its mission is neither antiquated nor complete. Student embrace of digital learning, which must be fueled by greater access to bandwidth, is beginning to reach a tipping point. Project Tomorrow's Speak Up 2012 online nationwide survey of more than 364,000 students shows that America's students now expect to utilize technology in all aspects of their educational experience: 69% of middle school students want to use devices to take notes in class, 64% wish to access online textbooks, 73% want the ability to look up information on the Internet whenever they have the need, and 69% would like to record lectures or labs so that they can review the information at a later time.[3] The Project Tomorrow surveys also demonstrate that students see increasing value in online learning because it allows them to personalize and take ownership over their education and obtain assistance and

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[2] *Notice* at paras. 172–176.

[3] Project Tomorrow Speak Up, From Chalkboards to Tablets: The Emergence of the K-12 Digital Learner, at 10 (rel. June 2013), *available at* http://www.tomorrow.org/speakup/pdfs/SU12-Students.pdf (last visited Sept. 12, 2013) (Speak Up 2012 National Findings K-12 Students).

remediation when they need it. In 2012, 57% of surveyed high school students said that one benefit of digital learning is to be to be in control of their learning, 42% responded that online learning provides a greater sense of independence, and 46% indicated that online learning would make it easier for them to review course materials when they required remediation.[4]

The increasing interest by students and educators in digital learning is driving efforts to greatly expand technology access in schools and libraries, leading to a concomitant need for more bandwidth. School districts continue to pick up the pace in implementing 1:1 (1 student: 1 computer) initiatives and establishing Bring Your Own Device (BYOD) programs that allow students to use their own devices at school. According to Project Tomorrow, districts are increasingly looking to adopt Bring-Your-Own-Device (BYOD) programs as the number of surveyed districts with BYOD pilots increased 47% between 2011 and 2012.[5] School districts and textbook publishers are also beginning the transition from print to digital. According to a study of this topic made by the State Educational Technology Directors Association, "One current estimate puts digital textbooks at about three percent of the education textbook market in 2011. Use of digital content is expected to grow at a year-over-year rate of more than 100 percent, but even then, according to Next is Now, the blog for a textbook distribution company, schools will have just 19.5 percent adoption by 2014 and 50 percent by 2018."[6] Finally, many states are now using bandwidth intensive online assessments, some of which are adaptive. All of these initiatives represent significant investments of time and money made by schools and libraries around the country that come in addition to the school's or library's non-discounted share of the cost of services. These sizable investments rely on the services supported by the E-rate program.

b. E-Rate's Funding is Inadequate to Meet Current and Future Demand

Paragraph 9 of the Notice itself starkly makes the case that E-Rate cannot support what schools and libraries need to do right now, let alone in the coming years. As the Notice states: "Schools and libraries sought E-rate funding in excess of $4.9 billion, more than twice the annual cap of $2.25 billion. The E-Rate funding cap was set by the Commission when it created the E-Rate program in 1997 and demand for funds has exceeded the cap every year since the inception of the program."[7] Beyond these simple facts, there are still more:

- Priority 1 demand has grown consistently so that this year, for the first time ever, Priority 1 demand will eclipse the annual cap itself, leaving no money left for Priority 2.

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[4] *Id*. at 12.

[5] Project Tomorrow Speak Up, From Chalkboards to Tablets: The Digital Conversion of the K-12 Classroom, at 3 (rel. Apr. 2013), *available at* http://www.tomorrow.org/speakup/pdfs/SU12EducatorsandParents.pdf (last visited Sept. 12, 2013) (Speak Up 2012 National Findings Educators and Parents).

[6] Fletcher, G., Schaffhauser, D, & Levin, D. (2012). Out of Print: Reimagining the K-12 Textbook in a Digital Age. Washington, DC: State Educational Technology Directors Association (SETDA), at 15, *available at* http://www.setda.org/c/document_library/get_file?folderId=321&name=DLFE-1598.pdf (last visited Sept. 12, 2013).

[7] *Notice* at para. 9.

- Many applicants have decided not to bother applying for Priority 2 support because they have almost no chance of receiving funding. With no Priority 2 support an increasingly likely prospect this year and many schools already opting not to apply for Priority 2 over the past several years, NASSP asserts that actual demand for the program is substantially higher – and growing – than is evident from applications filed. An EdLiNC analysis of program demand estimates actual demand for 2013 at greater than $8.6 billion.[8]
- According to EdLiNC's analysis of E-Rate demand, the need for E-Rate support will only climb over the next several years.

NASSP's case for more funding for the E-Rate boils down to this:

- Without an increase in the program's annual cap, the gap between what the program can provide and what schools need will only widen.
- Without an increase in funding, the low income and rural and remote schools that are most in need and which the E-Rate's founders and this Commission made priorities, will be confined to support for increasingly limited Priority 1 services and will most assuredly lose ground to their better heeled counterparts.
- Without an increase in funding, efforts to advance digital learning – be they 1:1 initiatives, BYOD programs, digital textbooks or online assessments – will be undermined, if not torpedoed.

c. E-Rate's funding level must increase to at least $5 billion to meet demand

Even though our projections suggest that demand will continue to grow beyond current application demand of $5 billion and that actual demand is already in excess of $8 billion, we believe that it is prudent to only seek an increase of the program's annual spending cap based on verifiable demand. Since application demand has been at or above $5 billion for the past two years and is likely to continue at or above those levels for the next few years, we urge the Commission to establish $5 billion as the new and permanent annual spending cap.

While some may argue that E-Rate does not need any additional funding or that a temporary increase would be sufficient, NASSP maintains that E-Rate needs a permanent and sustained increase, not a short term, one time surge. As shown in the above section, E-Rate lacks adequate funding to ensure that all schools and libraries can transition their basic Internet connections to high speed connections and that schools desire and need greater bandwidth to make use of the educational tools, content and services available online. With the advent of online assessments and digital textbooks, demand is expected to continue to increase. Many of these services are now used on mobile wireless devices, like tablets, laptops and smart phones, none of which existed when the current E-Rate spending cap was inaugurated in 1998.

Additionally, the Commission itself recognized in 1997, and the instant Notice acknowledges today, the $2.25 billion annual cap represented "a best efforts attempt to estimate what the demand would be for telecommunications and Internet access services by schools and libraries."[9]

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[8] A copy of EdLiNC's analysis is attached as Exhibit B.

[9] *Notice* at para. 174.

The Commission explained then that there was no existing data to aid it in estimating the cost of E-Rate eligible support and cited the Joint-Board which estimated—based on the McKinsey Report and other analyses—that demand would be approximately $3.1 to 3.4 billion annually during an initial four year deployment period, and approximately $2.4 to 2.7 billion annually in later years.[10] We now have 16 years of demand data that shows significantly higher need than what was projected at the time of the program's inception.

Finally, NASSP believes that the current spending cap fails to meet the program's statutory goal of "enhanc(ing), to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all . . . elementary and secondary school classrooms."[11] The current funding cap, which does not meet current, demonstrated need and threatens to stunt the growth of digital learning in the future, is already denying access to the Act's promised services to some, with many more schools and libraries likely to share the same fate.

For all of these reasons, NASSP strongly urges the Commission to permanently increase the E-Rate cap to $5 billion to at least meet current registered demand. By permanently increasing the cap to $5 billion, the Commission would provide schools and libraries with sufficient funds to meet the growing needs of Priority1 services *and* allow the program to also fund Priority 2 services to institutions at lower discount levels. Given the surging use of digital learning tools, resources, devices, and assessments to personalize learning and prepare students for college and career and the projected registered and actual demand figures cited above, a temporary increase in funding will not be sufficient for students.

3. **NASSP Supports Streamlining the Application Process and Making the Program More Efficient**

The Notice poses questions about ways in which to streamline the E-rate process.[12] We suspect that the Commission will receive many suggestions in response to the myriad questions that are asked in this regard. We ask the Commission, however, to consider the full impact of any new changes on all program activities. As NASSP made clear at the outset of this filing, we believe that the program is an unqualified success and operates relatively smoothly. Many of the changes likely to be proposed would not only necessitate potential rule changes at the Commission or processing and IT changes at USAC, but would require applicants and service providers to alter their web sites, institute or revise training, and educate support staff that would be required to answer questions about the changes. The very act of disrupting those forms/processes/interfaces that are familiar to those filing over 46,000 applications may not be effective or efficient. Indeed, it may throw a monkey wrench into the program's and applicants' administrative processes. Therefore, we believe that simply "fixing" some of the current components that lead to program frustrations would be a more efficient and effective approach.

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[10] *Federal-State Joint Board on Universal Service*, CC Docket 96-45, Report and Order, 12 FCC Rcd 8776, 9055, paras. 529–531 (1997) (*Universal Service First Report and Order*).
[11] 47 U.S.C. § 254(h)(2)(A).
[12] *See Notice* at paras. 224–247.

a. **Improving Online Applications**

NASSP believes that the Commission's first order of business should be to improve the online filing process such that applications work correctly and are therefore easy to file. Doing so is likely to generate a higher degree of online filing, will ease the burden for all applicants, and will generate the many efficiencies the Commission seeks from online filing. We do not believe a wholesale overhaul of the application process is necessary, just efforts by the Commission and USAC to resolve obvious and extant problems within the current process.

While we understand the reasoning behind the Commission's apparent desire to mandate online filing of forms, we do not believe that it would be productive to simply require that all forms be filed online. In those instances when forms are not being filed electronically today, we would suggest that "paper" forms may feel safe compared to the online forms due to the catastrophic errors that can occur when trying to file unsuccessfully online. Such errors can include losing the entire form (which can include tens of hours of data input and validation) and generally occur through no fault on the part of the applicant. In addition, assuming that everyone who files applications has access to a computer at any time during the day or at home on nights or weekends is contrary to the fundamental desire to achieve universal access.

We have also assembled a non-exhaustive list of online process issues below, along with some potential solutions:

- The online forms often do not work correctly;
- The online forms do not work intuitively (requiring, for example, tab-based navigation rather than mouse-based navigation in order to avoid certain errors);
- The online forms often do not allow the use of the most recent (and widespread) versions of various browsers and officially do not support some of the most common browsers available today. Even in the browser which is officially supported – Microsoft's Internet Explorer – the most recent versions of the browser are not supported. These incompatibilities (which are encountered by and overcome by other online entities) cause problems not only with trying to navigate the forms but also with printing errors, etc. Asking schools and libraries to uninstall recent versions of browsers—which are often updated automatically—to dumb down to some previous version or to find someone in their organization who may have an older version of a browser is not only time consuming but can be very frustrating, (particularly when multiplied across 46,000 users, many of whom may need assistance from their own technical support staff in order to do so). Making online processes fully compatible with the browsers and other tools that are commonly used for schools and libraries in their general course of business is an obvious course for improvement;
- The online forms often require the re-entry of data multiple times, and fail to give the option of pre-populating the forms with data. This can lead to hours (or, in the case of more complicated applications, tens of hours) of unnecessary repetitive data entry and validation; and
- The online forms are inconsistent in their process, leading to applicant confusion and irritation. For example, the online Form 486 requires applicants to complete Block 1 and Block 2, then skips over Block 3 to require applicants to complete the first part of Block 4. After completing the first part of Block 4, applicants are returned to Block 3, and,

upon completing Block 3, are whisked along to complete the second half of Block 4. On a related note, the online BEAR form (unlike every other form in the process) requires applicants to use a PIN code in order to create the form (not just to certify/complete the form), which in turn has led many applicants to violate the terms of use associated with their PIN codes and share those PIN codes with state coordinators, consultants, and others who assist with the preparation of the forms. A more consistent approach to all the forms, while retaining the now-familiar appearances, would be a significant improvement.

In addition to the need to improve existing systems, we support the idea of tying the existing systems together using an online portal for applicants. An online portal, if done well, could further simplify and streamline the process for applicants, allowing applicants to view their current application status, receive customized information, and take whatever steps are necessary in the application process (be that responding to a review question, filing a form, or even potentially filing an appeal). Given the reality of training tens of thousands of applicants to use a portal, however, we urge that any online portal be kept relatively simple, with intuitive navigation and familiar structures.

b. Eliminating Paperwork

We believe that all eligible applicants should be allowed to choose direct reimbursement through the Billed Entity Applicant Reimbursement (BEAR) form process or something similar at the time the Form 471 is filed. Making this change would eliminate several steps in the application process, including:

- The Form 486, as there would be no need to say "service has started, it's o.k. to pay the service provider" because the applicant would be in control of filing requests for reimbursement based, as is required today, upon receipt of services and payment of invoices in advance of seeking reimbursement;
- Copies of Funding Commitment Decision Letters to service providers as they would simply send invoices for services provided. There would be no need for them to know approved discount levels or commitment amounts because the applicant is paying them in full for services anyway;
- Form 486 Notification Letters for service providers whose corresponding applicants are filing BEARs;
- Form 486 Notification Letters for applicants choosing the BEAR reimbursement process;
- With no Form 486 requirements for those filing BEAR forms, there would be no 120-day filing requirements that in turn, if not timely filed, impact reduction in funds. Appeals would be reduced as would the current practice of sending notice to those applicants who have not timely filed their Form 486 forms; and
- Under the current rules, the applicants are to notify the awarded service provider by the submission of the Form 471. This selections of BEARS or SPIs at the time of filing the 471 would identify which applicants and service providers would need to file which forms and which notifications would be required.

We also support, and have advocated in favor of for many years, the Commission's proposal to develop a multiyear application process. Having a multiyear application which would require

little or no additional work by applicants after the first year would dramatically reduce the burden on applicants. Coupled with the online portal concept, we believe both the administrator and applicants could receive significant benefits from such an approach. We believe that these ideas, coupled with others, can dramatically improve the application process and reduce paperwork.